IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

MARK MONCRIEF, III, #254522,))
Plaintiff,	
v.) CASE NO. 2:22-CV-151-ECM-KFI
STATE OF ALABAMA, et al.,)))
Defendants.))

ORDER

On August 11, 2022, the undersigned issued a Recommendation that this 42 U.S.C. § 1983 action be dismissed as time-barred and for failure to state a claim on which relief may be granted. *See* Doc. 7. Plaintiff then filed a timely objection to the Recommendation (Doc. 8), requesting that his pleading instead be characterized as a petition for writ of habeas corpus under 28 U.S.C. § 2254. Because Plaintiff's objection contains allegations not contained in the original pleading, the Court also construes the objection as a motion to amend the petition. Upon consideration of Plaintiff's objection, it is ORDERED that the August 11 Recommendation (Doc. 7) is WITHDRAWN.

The Clerk is DIRECTED to amend the docket to characterize Plaintiff's pleading (Doc. 1) as a petition for writ of habeas corpus under 28 U.S.C. § 2254.

DONE this 6th day of September, 2022.

/s/ Kelly Fitzgerald Pate
KELLY FITZGERALD PATE
UNITED STATES MAGISTRATE JUDGE